



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Mailed: SEP 28 1999

In re Application of  
John M. Eby et al.  
Serial No. 09/287,631  
Filed: April 7, 1999

For: SURFACE COVERING HAVING A NATURAL  
APPEARANCE AND METHODS TO MAKE A  
SURFACE COVERING HAVING A NATURAL  
APPEARANCE.

DECISION  
ON  
PETITION

This is a decision on the Petition to Make Special because of Actual Infringement (37 C.F.R. 1.102 and MPEP 708.02) filed June 18, 1999, along with the requisite fee, in the above-noted application.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of its turn because of a possible interference.

Should an appeal be taken in this case or should this case become involved in an interference, consideration of the appeal and the interference will be expedited by Patent and Trademark Office Officials concerned, contingent likewise upon diligent prosecution by applicant.

After allowance, this case will be given priority for printing. See MPEP 1309.

The petition is Granted.

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